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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,858	08/20/2001	Joshua R. Buessler	005637.P006	7444

7590 06/19/2003

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EXAMINER

LE, LANA N

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/933,858

Applicant(s)

SEDLMEIER, ANDREAS

Examiner

Lana Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-39 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,10-12,14,15,17,19-30,40 and 41 is/are rejected.
- 7) ☒ Claim(s) 3,7-9,13,16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 4-6, 10-12, 14-15, 17, 19-25, 26-30 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBride et al (US 5,923,752) in view of Barnes et al (US 4,292,481)

Regarding claim 1, McBride et al discloses an interchangeable cover 40 (fig. 2) for a mobile communications device 10 comprising:  
a resilient semi-rigid shell upon assembly over the mobile communication device (col 3, lines 18-27) including a front face commonly connected to side portions and having a substantially U-shaped profile adapted to wrap around a substantial portion of a front and sides of the mobile communications device (col 4, lines 17-41).

McBride et al fails to further disclose: a cover adapted to wrap around a substantial portion of a front, back and side of the mobile communications device upon assembly over the mobile communication device. Barnes et al discloses a cover 50 adapted to wrap around a substantial portion of a front, back and side of the mobile communications device upon assembly over the mobile communication device (fig. 3;

col 3, lines 38-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to open the cover from the side instead of the back as in McBride et al in order to set a design preference of which face opening to insert the mobile phone.

Regarding claim 2, McBride et al further discloses the interchangeable cover of claim 1, wherein the resilient semi-rigid shell is adapted to be secured to the mobile communications device without any fasteners (col 4, lines 24-27).

Regarding claim 4, McBride et al further discloses the interchangeable cover of claim 1, wherein the mobile communications device includes a keypad including a plurality of keypad buttons, and the front face of the interchangeable cover includes a plurality of openings through which respective keypad buttons extend upon assembly of the interchangeable cover over the mobile communications device so as to enable a user to activate the keypad buttons (col 3, lines 58-65).

Regarding claim 5, McBride et al further discloses the interchangeable cover of claim 1, further comprising a keypad operatively coupled to the front face including a plurality of keypad buttons, and means for coupling signals produced via an activation of said plurality of keypad buttons to the mobile communications device (col 3, line 58 - col 4, line 4).

Regarding claim 6, McBride et al further discloses the interchangeable cover of claim 1, wherein the mobile communications device includes a set of keypad buttons and one or more input buttons (function keys 16) apart from the set of keypad buttons, and wherein the front face of the interchangeable cover includes one or more openings

defined therein through which said one or more input buttons pass upon assembly of the interchangeable cover over the mobile communications device to enable a user to activate said one or more input buttons (col 3, line 65 - col 4, line 4).

Regarding claim 10, McBride et al further discloses the interchangeable cover of claim 1, wherein the mobile communications device includes a display and the front face of the resilient semi-rigid shell further includes an aperture defined therein that enables a user to view the display when the interchangeable cover is assembled over the mobile communications device.

Regarding claim 11, McBride et al further discloses the interchangeable cover of claim 10, further including a lens disposed within the aperture.

Regarding claim 12, McBride et al further discloses the interchangeable cover of claim 1, further including a cutout region defined in the front face extending inwardly from a mid-portion thereof to enable actuation of one or more input buttons disposed on a front side of the mobile communications device upon assembly of the interchangeable cover over the mobile communications device (col 3, line 58 -col 4, line 6).

Regarding claim 14, Barnes further discloses the interchangeable cover of claim 1, further comprising a first substantially U-shaped cutout defined in the side portion so as to extend inwardly from a first end of the side portion, said first substantially U-shaped cutout defining respective shoulders in the front and back faces (fig. 3; col 3, lines 38-63).

Regarding claim 15, Barnes the interchangeable cover of claim 14, further comprising a second substantially U shaped cutout defined in the side portion so as to extend from a second end of the side portion opposite of the first end, said second substantially U-shaped cutout defining respective shoulders in the front and back faces (fig. 3; col 3, lines 38-63).

Regarding claim 17, McBride et al further discloses the interchangeable cover of claim 1, further comprising at least one input button operatively coupled to the front face of the resilient semi-rigid shell and means for coupling signals produced via an activation of said at least one input button to the mobile communications device (col 3, line 58 -col 4, line 6).

Regarding claim 19, McBride et al further discloses the interchangeable cover of claim 1, further comprising at least one input button operative coupled to the side portion of the resilient semi-rigid shell and means for coupling signals produced via an activation of said at least one input button to the mobile communications device.

Regarding claim 20, McBride et al further discloses the interchangeable cover of claim 1, further comprising one or more inwardly extending protrusions defined in at least one of the front face and/or back face that are adapted to fit into (a) respective recess (es) defined and/or back side of the mobile communications device upon assemble of the interchangeable cover over the mobile communications device (col 3, lines 58- col 4, line 6).

Regarding claim 21, McBride et al further discloses the interchangeable cover of claim 1, further comprising a plurality of inwardly extending cleats defined in at least one

of the front face and/or back face that are adapted to engage respective recesses defined in a front and/or back side of the mobile communications device upon assemble of the interchangeable cover over the mobile communications device so as to assist in securing the interchangeable cover to the mobile communications device (col 4, lines 24-27).

Regarding claim 22, McBride et al further discloses the interchangeable cover of claim 1, wherein the front face further includes a plurality of speaker slots that are used to enable audible speaker signals produced by the mobile communications device to pass through the interchangeable cover upon assembly to the mobile communications device (col 4, line 8-10).

Regarding claim 23, McBride et al further discloses the interchangeable cover of claim 1, wherein the front face further includes a microphone slot configured to enables verbal user input to be received by a microphone disposed within the mobile communications device (col 4, lines 12-13).

Regarding claim 24, McBride et al further discloses the interchangeable cover of claim 1, further comprising:  
an ornamental design disposed over the front face; and a design containing indicia corresponding to at least one business entity on the front face (col 3, lines 28-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the logo on a back face such as the cover of Barnes in order to advertise the logo when the user held the phone upside down.

Regarding claim 25, McBride further discloses the interchangeable cover of claim

1, further comprising:

an ornamental design over the front face; and a first design containing indicia corresponding to a first business entity disposed on the front face; and a second design containing indicia corresponding to a second business entity disposed on the front face . (col 3, lines 28-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the logo on a back face such as the cover of Barnes in order to advertise the logo when the user held the phone upside down.

Regarding claim 26, McBride et al further discloses the interchangeable cover of claim 1, wherein the mobile communications device comprises a cellular phone 10.

Regarding claim 27, McBride et al and Barnes further discloses the interchangeable cover of claim 1, wherein McBride et al further discloses the cover can fit over any personal communication device on the market, they didn't specifically disclose the mobile communications device comprises a pocket PC. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the cell phone of McBride et al for a pocket PC in order to have more access to menus and server access.

Regarding claim 28, McBride et al further discloses the interchangeable cover of claim 1, wherein the mobile communications device comprises a two-way pager wherein they didn't disclose the mobile communications device comprises a pager (col 3, lines 47-50).

Regarding claim 29, McBride et al and Barnes further discloses the interchangeable cover of claim 1, wherein they didn't disclose the mobile



communications device comprises a pocket PC. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the cell phone of McBride et al for a pocket PC in order to have more access to menus and server access.

Regarding claim 30, McBride et al further discloses the interchangeable cover claim 1, wherein the resilient semi-rigid shell has an accurate segment configuration when viewed from a plan view (col 3, lines 45-57).

Regarding claim 40, McBride et al discloses a method of distributing advertisements comprising:  
authorizing manufacture of a plurality of interchangeable phone covers adapted to be attached to compatible mobile communications devices, each interchangeable cover comprising a front side and a side commonly connected to a side portion, the front side including indicia corresponding to at least one business entity;  
distributing the interchangeable phone covers to end users for attachment to compatible mobile communications devices used by the end users; and receiving compensation from said at least one business entity by using logos of the business that's advertising (col 3, lines 28-35). McBride et al didn't disclose the interchangeable cover comprising a front side and a back side commonly connected to a side portion. Barnes et al discloses the interchangeable cover comprising a front side and a back side commonly connected to a side portion, the back side (fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to compensate for logos by making an agreement between the user and the phone company to place the logo onto

the cover and advertise for a particular company in return for profit.

Regarding claim 41, McBride further discloses the method of claim 40, wherein the indicia comprises a plurality of marks corresponding to respective business entities, and compensation is received from the respective business entities (col 3, lines 28-35).

***Allowable Subject Matter***

2. Claims 3 and 7-9, 13, 16, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, McBride et al and Barnes et al discloses the interchangeable cover of claim 1, wherein the cited prior art fails to further disclose the mobile communications device has a profile that is substantially trapezoidal in shape and the substantially U-shaped profile of the resilient semi-rigid shell is configured such that a distance between the front face and the back face is greater at a root of the U than at end of the U such that the resilient semi-rigid shell is adapted to clasp around the trapezoidal profile of the mobile communications device upon assembly of the interchangeable cover over the mobile communications device.

Regarding claim 7, McBride et al and Barnes discloses the interchangeable cover of claim 1, wherein they fail to further disclose the mobile communications device includes a keypad including a plurality of keypad switches, further comprising a membrane operative coupled upon assembly to an inside of the front face including a plurality of dumb buttons that are used to activate corresponding respective keypad

switches on the mobile communications device.

Regarding claim 8, the cited prior art fails to further disclose the interchangeable cover of claim 7, wherein the mobile communications device further includes on or more input switches apart from the plurality of keypad switches, further comprising a membrane operatively coupled upon assembly to an inside portion of the resilient semi-rigid side including one or more dumb buttons that are used to activate corresponding respective input switches on the mobile communications device.

Regarding claim 9, the cited prior art fails to further disclose one or more input switches include a plurality of switches disposed on a side of the mobile communications device.

Regarding claim 13, the cited prior art fails to further disclose the interchangeable cover of claim 12, wherein the cutout region comprises a radiused V-shape configuration extending across a substantial portion of the front face.

Regarding claim 16, the cited prior art fails to further discloses the interchangeable cover of claim 1, wherein the mobile communications device includes one or more side input buttons disposed on a side of the mobile communications device that is substantially covered by the side portion of the semi rigid shell upon assembly, further including one or more corresponding openings defined in the side portion through which said one or more side input buttons respectively pass upon assembly to enable a user to activate said one or more side input button(s).

Regarding claim 18, the cited prior art fails to further disclose the interchangeable cover of claim 1, further comprising at least one input button operatively coupled to the

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back face of the resilient semi-rigid shell and means for coupling signals produced via an activation of said at least one input button to the mobile communications device.

3. Claims 31-39 allowable over the cited prior art.

4. The following is an examiner's statement of reasons for allowance:

Regarding claim 31, McBride et al discloses an interchangeable cover for a mobile communications device having a body with a substantially tetrahedral profile, a front peripheral lip defined around a peripheral portion of a front of the body and a side peripheral lip defined around a peripheral portion of a back of the body (col 4, lines 17-31), comprising:

Barnes et al a resilient semi-rigid shell including a front face and a back face commonly connected to a side portion (col 3, lines 38-63)

However, the cited prior art fails to further disclose:

the cover having a substantially U-shaped profile adapted to wrap around a substantial portion of the front, back and side of the body of the mobile communications device and being secured to the mobile communications device by means of extending portions of the front and back faces that clasp around the substantially tetrahedral profile of the body, and

whereupon assembly exterior edges of the front face and back faces are disposed adjacent to the front and back peripheral lips, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Lana Le

June 6, 2003

  
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